

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE:** 1/17/2012

**MAGISTRATE JUDGE**

**COURT REPORTER: D. Maxwell**

**Amos L. Mazzant**

**COURTROOM DEPUTY: Debbie McCord**

OASIS RESEARCH, LLC VS AT&T CORP., ET AL	CAUSE NO: <b>4:10CV435</b>
For Plaintiff: Alan Kellman, Tamir Packin, James Tidwell, James Hossain (Technical Specialist), Eugene Chiu	For Defendants: Chris Ottenweller, Stacey Margolies, Phil Philbin, Matt Lowery, Andrew Klein

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: CLAIM CONSTRUCTION HEARING</b>
10:05 am	Court called case, noting appearance of counsel, shown above. Also appearing are the following attorneys: For Carbonite, Andy Tindel and Kevin Littman; for Iron Mountain, Bijal Vakil and Sue Xia; for AT&T, Umesh Desai, Tim Dyll, Theodor Baroody, Larry Phillips; for EMC, William Clark, Eric Findlay; for Pro Soft Net, Frederick Berretta; for GoDaddy, Andrea Stone.
10:10 am	Mr. Kellman overview for Plaintiff.
1:28 am	Chris Ottenweller overview for EMC, Carbonite, Decho, Iomega
10:50 am	Mr. Kellman - Term 1 - Auxiliary storage.
11:05 am	Mr. Ottenweller responds.
11:35 am	Mr. Kellman replies.
11:42 am	Mr. Kellman, next term - Term 2 - "back up" "backing up".
11:57 am	Mr. Ottenweller responds.
12:09 pm	Mr. Kellman replies regarding "periodic" argument.

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<b>TIME:</b>	<b>MINUTES:      CLAIM CONSTRUCTION HEARING</b>
12:13 pm	Court in recess to return at 1:30 pm.
1:55 pm	Court back in session. Mr. Ottenweller addressed the Court regarding the joint motion filed. The Court advised counsel that Judge Clark will be assigned to the case effective March 17, 2012. The Court will likely grant the motion but there could be some date changes.
1:58 pm	Mr. Packin for Plaintiff addresses the Court regarding term “provider of online backup, online storage, online processing”.
2:15 pm	Term 8, 9 10 response by Mr. Ottenweller.
2:34 pm	Mr. Packin replied.
	Both sides again address the Court regarding this one.
2:55 pm	Mr. Kellman "Establishing a Telecommunications Connection"
3:12 pm	Mr. Philbin responds for Defendants.
3:30 pm	Break for 15 minutes.
3:50 pm	Court back in session. Mr. Kellman addresses the Court.
3:57 pm	Mr. Kellman presents “Establishing a Customer Relationship” - 17 and 18
	Mr. Philbin responded.
4:14 pm	Mr. Kellman replied.
4:17 pm	Mr. Philbin responded regarding 18.
4:21 pm	Mr. Kellman presents terms 19 and 20 - “validating the customer identifier and password”
4:29 pm	Mr. Philbin responded.
4:34 pm	Mr. Kellman replied.
4:36 pm	Mr. Kellman presents terms 21 - 23 - “Conditionally Restricting at Least a Part of the Customer’s Access”
4:43 pm	Mr. Philbin responded.
	Mr. Kellman replied.
4:50 pm	Mr. Philbin replied..
4:52 pm	The Court addresses counsel regarding the remaining claim terms and the time it will take to conclude tomorrow.
4:53 pm	Court in recess until 9:00 a.m. on Wednesday.
9:17 am	Court in session on Wednesday, 1/18/12.

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<b>TIME:</b>	<b>MINUTES:      CLAIM CONSTRUCTION HEARING</b>
9:17 am	Tamir Packin presents next term, "virtual disk/resource/device" - terms 13, 14, 15.
9:52 am	Mr. Ottenweller responds.
10:58 am	Mr. Packin replies to the response, as well as the Court's questions.
11:10 am	Mr. Ottenweller responds.
11:12 am	15 minute break.
11:32 am	Court back in session. Mr. Packin presents next term 11, "backup, restore and/or archive"
11:53 am	Mr. Lowery responds for Defendants.
12:13 pm	Mr. Packin replies.
12:18 pm	Mr. Lowery responds.
12:20 pm	The Court addressed counsel regarding the next term.
12:20 pm	Mr. Kellman presents Term 12, "online service provider" / "online services"
12:27 pm	Mr. Lowery responds.
12:31 pm	Lunch break for one hour. Court in recess.
1:34 pm	Court back in session. Term 15 presented by Mr. Packin, "integrating the second Internet connection for access"
1:43 pm	Mr. Lowery responded.
1:48 pm	Mr. Packin replied.
1:49 pm	Mr. Lowery interjected.
1:49 pm	Mr. Packin presented Terms 24, 25.
1:55 pm	Mr. Packin presents Term 26.
1:57 pm	Mr. Packin presents Term 27, "Tracking" / "Logging"
2:02 pm	Mr. Brian LaCorte responds for Defendants.
2:42 pm	Mr. Packin reply.
2:51 pm	Markman completed.
2:52 pm	Frederick Barretta presents motion for summary judgment.
3:14 pm	Mr. Kellman responds.
3:28 pm	Mr. Barretta replies.

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<b>TIME:</b>	<b>MINUTES:      CLAIM CONSTRUCTION HEARING</b>
3:32 pm	Court takes matters under advisement. Mr. Ottenweller addressed the Court regarding trial scheduling.
3:33 pm	Court will see counsel in Chambers to discuss scheduling issues.
3:33 pm	Court in recess.

**DAVID J. MALAND, CLERK**

BY: Debbie McCord  
Courtroom Deputy Clerk